



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,196	06/19/2001	Ben Hiitt	CSIL-01P-006	9854

22903 7590 11/05/2003

COOLEY GODWARD LLP  
ATTN: PATENT GROUP  
11951 FREEDOM DRIVE, SUITE 1700  
ONE FREEDOM SQUARE- RESTON TOWN CENTER  
RESTON, VA 20190-5061

EXAMINER
----------

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
----------	--------------

2121

DATE MAILED: 11/05/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/883,196

Applicant(s)

HITT, BEN

Examiner

Joseph P. Hirl

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on N/A is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-23 are pending in this application.

2. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

### ***Drawings***

3. The drawings are objected to because of the following:

No drawings have been provided.

This objection must be corrected.

***Specification***

4. From the Abstract: "A first learning algorithm comprises a genetic algorithm that is used to abstract a data stream associated with each Object and a pattern recognition algorithm that is used to classify the Objects and measure the fitness of the chromosomes of the genetic algorithm. The learning algorithm is applied to a training data set. The learning algorithm generates a classifying algorithm, which is used to classify or categorize unknown Objects." The specification at pages 8-18 does not sufficiently disclose the invention such that one of ordinary skill in the art can replicate the invention without undue experimentation.

This objection must be corrected.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 9-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification at pages 8-18 does not sufficiently disclose the invention

such that one of ordinary skill in the art can replicate the invention without undue experimentation.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by MP (Microsoft Press Computer Dictionary 1994, referred to as **MP**).

**Claim 1**

MP anticipates a. inputting a data stream that describes the Object; b. abstracting the data stream to calculate an Object vector that characterizes the data stream; c. identifying the data cluster, if any, within which the Object vector rests; d. assigning to the Object the status of the identified data cluster or, if no cluster is identified, assigning to the Object the status of atypical (**MP**, p 408, c 2, 8-10; Examiner's Note (EN): from the specification, claim 1 is simply a vector or a one dimensional array; to one of ordinary skill in the art, vectors have data of whatever length; abstraction is nothing more than the data of the vector (specification, p 5, l 1); since the steps did not form clusters, there simply are no clusters within which the vector rests; since the cluster does not exist, a status issue is moot; and atypical is merely the alternative to no cluster; hence, claim 1 is nothing more than a non descript vector).

**Claim 2**

MP anticipates abstracting is performed by a process comprising selecting between 5 and 25 data points from the data stream (MP, p 408, c 2, 8-10; EN: to one of ordinary skill in the art, a vector has N data points where N is a real positive number).

**Claim 3**

MP anticipates identifying is performed by a process comprising computing the Euclidean distance between the centroid of a data cluster and the Object vector (MP, p 408, c 2, 8-10; EN: since the cluster does not exist, the Euclidean distance of a vector unto itself is without substance, one only has a vector remaining).

**Claim 4**

MP anticipates identifying is performed by a process comprising computing the normalized vector product of the Object vector and representing the centroid of a data cluster (MP, p 408, c 2, 8-10; EN: normalized vector product was not identified in the specification; since the cluster does not exist, one only has a vector remaining).

**Claim 5**

MP anticipates each data cluster is preclassified as having one of two status conditions (EN: the cluster of claim 1 does not exist and hence the status is moot).

**Claim 6**

MP anticipates wherein each data cluster is preclassified as having one of three status conditions (EN: the cluster of claim 1 does not exist and hence the status is moot).

**Claim 7**

MP anticipates the data streams consist of between 1,000 and 20,000 (MP, p 408, c 2, 8-10; EN: claim 1 is a vector and to one of ordinary skill in the art, a vector has N data points where N is a real positive number).

**Claim 8**

MP anticipates the length of the data streams consist of at least 1,000 data points (MP, p 408, c 2, 8-10; EN: claim 1 is a vector and to one of ordinary skill in the art, a vector has N data points where N is a real positive number).

***Conclusion***

8. The prior art of record and not relied upon is considered pertinent to applicant's disclosure.

Bowman-Amuah, USP 6,615,199

9. Claims 1-23 are rejected.

***Correspondence Information***

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is

Application/Control Number: 09/883,196  
Art Unit: 2121

Page 7

(703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anil Khatri can be reached at (703) 305-0282.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,  
Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7290 (for informal or draft communications with notation of "Proposed" or "Draft" for the desk of the Examiner).

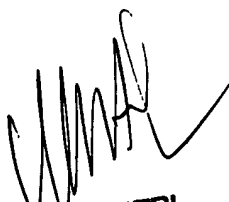
Hand-delivered responses should be brought to:

Receptionist, Crystal Park II  
2121 Crystal Drive,  
Arlington, Virginia.

Joseph P. Hirl



October 30, 2003



ANIL KHATRI  
SUPERVISORY PATENT EXAMINER